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8 UNITED STATES DISTRICT COURT
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10 NORTHERN DISTRICT OF CALIFORNIA

11 Case No. 3:23-mc-80119

12 (Originating Case: Silva v. Doe 1, et al., S.D.
13 Fla. 1:22-cv-24262-RKA)

14 *IN RE: SUBPOENA TO REDDIT, INC.*

15 **[PROPOSED] ORDER GRANTING**
16 **PLAINTIFF RICCARDO SILVA’S**
17 **MOTION TO COMPEL THIRD-PARTY**
18 **REDDIT, INC. TO RESPOND TO**
19 **SUBPOENA**

20 The Motion of Plaintiff Riccardo Silva (“Plaintiff”) for an order compelling third-party
21 Reddit, Inc. (“Reddit”) to produce the documents and information requested in Plaintiff’s
22 Subpoena, served on Reddit on March 31, 2023 (“Motion to Compel”), came on for hearing on
23 this ____ day of _____, 2023, before _____. The matter having been
24 submitted, based on the supporting and opposing papers, the record evidence, and all related
25 documents filed with the Court in connection with this motion, as well as oral arguments at the
26 hearing, and good cause appearing therefor, the Court hereby ORDERS as follows:
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28

1 Plaintiff's Motion to Compel is GRANTED. On a motion to compel a service provider to
 2 produce information that could potentially reveal the identity of an anonymous speaker, the party
 3 seeking the information must first "persuade the court that there is a real evidentiary basis for
 4 believing that the defendant has engaged in wrongful conduct that has caused real harm to the
 5 interests of the plaintiff." *Music Grp. Macao Com. Offshore Ltd. v. Does*, 82 F. Supp. 3d 979, 983
 6 (N.D. Cal. 2015) (citing *Highfields Cap. Mgmt., L.P. v. Doe*, 385 F. Supp. 2d 969, 975-76 (N.D.
 7 Cal. 2005)). The Court is so persuaded.

8 The Court further finds that Plaintiff Silva has satisfied the applicable legal requirements
 9 under the First Amendment for the requested discovery by making a *prima facie* showing on the
 10 merits of his claim and further finds that the balance of the equities, weighing the potential harm
 11 to Mr. Silva against the speaker's interest in anonymity, favors disclosure here. See e.g., *In re*
 12 *DMCA § 512(h) Subpoena to Twitter, Inc.*, 608 F. Supp.3d 868, 876.

13 Finally, the service provider (e.g., Reddit) has represented that it has transmitted notice of
 14 the subpoena and this motion to compel proceeding to the anonymous speaker based on the
 15 available information for the account.

16 Accordingly, the First Amendment safeguards have been met, and Reddit is ordered to
 17 comply with the Subpoena and provide the requested information and documents.

18
 19 **IT IS SO ORDERED.**

20 Dated: _____

UNITED STATES DISTRICT COURT JUDGE